

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAILONA M. RHODES,

Docket No.:

Plaintiff,

NOTICE OF REMOVAL

-against-

(Kings County – 523879/2021)

HOWARD LEE LUIS and CHECHE DISPATCH
SOLUTIONS, LLC,

Defendants.

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:**

Defendants-Petitioners, HOWARD LEE LUIS and CHECHE DISPATCH SOLUTIONS, LLC, ("Petitioners"), by their attorneys, CASCONe & KLUEPFEL, LLP, David F. Kluepfel, of counsel, respectfully petitions the Court, pursuant to 28 U.S.C.A. §§1332 and 1441, as follows:

1. On or about September 9, 2021, the above-captioned civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Kings. A trial has not yet been had therein. A copy of the Summons and Complaint is annexed hereto as **Exhibit A**. Petitioners have served an answer to the Plaintiff's Complaint. A copy of the Answer is annexed hereto as **Exhibit B**.

2. The action seeks monetary damages for injuries allegedly suffered by plaintiff, LAILONA M. RHODES, as the result of a motor vehicle accident with Petitioners. The plaintiff's complaint sounds in negligence.

3. The action involves a controversy between citizens of different states, in that: (a) Plaintiff is a citizen of the State of New York; and (b) Petitioners are now, and was at the time the action was commenced, citizens of the State of Texas.

4. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C.A. §1332. There is complete diversity between all of the defendants and Plaintiff. In addition, the amount in controversy exceeds \$75,000.

5. This Notice of Removal is being filed within thirty (30) days after receipt of Plaintiff's Complaint.

6. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Kings promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this Notice of Removal, Petitioners do not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction over Petitioners, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, Petitioners pray that the above-captioned action now pending in the Supreme Court in the State of New York, County of Kings, be removed therefrom to this Court.

Dated: Farmingdale, New York
January 25, 2022

CASCONE & KLUEPFEL, LLP.

By:



DAVID F. KLUEPFEL, ESQ. (DK-7103)
497 Main Street
Farmingdale, New York 11735
(516) 747-1990